

EXHIBIT

3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,	:	
	:	
Plaintiff,	:	
vs.	:	Docket No. CA 11-1303
	:	
UNITED STATES OF AMERICA and	:	Washington, D.C.
ERIC H. HOLDER, in his official	:	Tuesday, January 17, 2012
capacity as Attorney General of	:	8:00 a.m.
the United States	:	Day One
	:	
Defendants, and	:	
	:	
Wendy Davis, et al.,	:	
	:	
Intervenor-Defendants	:	
-----	:	x

A.M. SESSION
TRANSCRIPT OF BENCH TRIAL
BEFORE THE HONORABLE THOMAS B. GRIFFITH
UNITED STATES CIRCUIT JUDGE and
HONORABLES ROSEMARY M. COLLYER and BERYL A. HOWELL
UNITED STATES DISTRICT JUDGES

APPEARANCES:

For the Plaintiff:	ADAM K. MORTARA, Esquire
	REED CLAY, Esquire
	JOHN M. HUGHES, Esquire
	ASHLEY C. KELLER, Esquire
	Bartlit Beck Herman
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1 Q. But you didn't ask your staff to put Representative Torres
2 in the same district as Representative Scott, did you?

3 A. No, I never even knew where Torres lived.

4 Q. But if you didn't know where Torres lived, isn't it
5 surprising that the district lines reach out in a dog leg to
6 pick up his house right there?

7 A. If you asked in the deposition, yes, it's surprising, but
8 it's no [sic] surprising that this is any different than what
9 occurred in 2001 with that map.

10 Q. We're just talking about this map for right now.

11 A. To answer your question, I did not know where anybody
12 personally lived, and when this was drawn, I've never even been
13 to his house.

14 Q. And wouldn't it also be surprising if the map reached out
15 to pick up former Representative Solomon Ortiz right there?

16 A. Is he in -- are you saying he's in the district?

17 Q. I'm saying in that dog leg that's part of 34, would that
18 also surprise you?

19 A. No, I'm surprised those two live that close together

20 Q. But isn't it then the case that every Hispanic current and
21 former representative from the last eight years or so has all
22 been drawn into District 34?

23 A. I don't understand your question.

24 Q. Well, isn't it the case that the only other Hispanic
25 representative from Nueces County in the last eight years is

1 Abel Herrero; correct?

2 A. In Nueces County or 34?

3 Q. In Nueces County?

4 A. No, you had Solomon Ortiz, Jr. was a member.

5 Q. Yes. Solomon Ortiz, Jr., Raul Torres and Abel Herrero;
6 correct?

7 A. Right, correct.

8 Q. And Abel Herrero lives in Robstown; correct?

9 A. It's my understanding. He lists as Robstown.

10 Q. And Robstown is to the west of Corpus Christi; correct?

11 A. It's the western portion.

12 Q. And Raul Torres lives in this dog leg here; correct?

13 A. I am presuming you're accurate. I do not know.

14 Q. Well, this is your counsel's map.

15 A. Well, I hope he's right. But I do not know. This is what
16 we were given on the residents and they were then placed on the
17 map.

18 Q. So if Abel Herrero lived somewhere over here.

19 A. Uh-huh.

20 Q. And Raul Torres lives here, and Solomon Ortiz, Jr. lives
21 here. Isn't it --

22 A. No, that would be inaccurate, you have an inaccurate
23 question. That's not Robstown.

24 Q. Well, somewhere to the west of Corpus Christi. I
25 apologize for not having it precisely.

1 If Abel Herrero lives west of Corpus Christi, Raul Torres
2 lives in that dog leg, an Solomon Ortiz, Jr. also lives in that
3 dog leg, isn't it the case that the current and former Hispanic
4 representatives from the last eight years or so from Nueces
5 County have all been drawn into District 34 and out of your
6 district?

7 A. If that's where they live, that's how that map shows.

8 Q. Okay.

9 Now, Representative Hunter, you said that south Texas
10 delegation gets along and works well together; is that the
11 case?

12 A. That is correct.

13 Q. And would you describe Representative Raul Torres as
14 truthful?

15 A. I'm not sure that I can tell you who is truthful or not
16 truthful. But I can tell you he's a good person.

17 Q. So Representative Raul Torres would not lie under oath; is
18 that correct?

19 A. That I don't know.

20 Q. Representative Hunter, did you ever suggest to
21 Representative Torres that you would not support any of his
22 work if he did not agree to your proposed redistricting plan
23 for Nueces County?

24 A. Absolutely not. In fact, I think I sent all his bills.

25 Q. And Representative -- well, isn't it the case that he did